

### **REMARKS**

This amendment is submitted along with a request for three month extension and appropriate fee in reply to the Office Action dated October 20, 2007. Claims 9-26 currently stand rejected and are the only pending claims in the application. Applicants have amended claim 26 to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present invention.

#### **Claim Rejections - 35 USC §102**

Claim 26 currently stands rejected under 35 U.S.C. §102(e) as being anticipated by Hahn et al. (U.S. Patent No. 6,188,949, hereinafter "Hahn"). Applicants have amended independent claim 26 to recite, *inter alia*, that the decision unit is configured to block or release an existing operating state of the operable device according to whether the actual driving situation is dangerous or non-dangerous based on a driving profile.

Hahn discloses a method and arrangement for controlling the longitudinal velocity of a motor vehicle with a continuous determination of the vehicle position. The longitudinal velocity is controlled while defining a desired velocity defining value and/or velocity defining limit value as a function of the determined vehicle position. By using corresponding velocity defining devices, velocity data are detected by way of the actual value and/or a set desired value and/or a set limit value of the longitudinal vehicle velocity as a function of the vehicle position. The desired velocity defining value and/or velocity defining limit value is determined from the velocity data detected for the respective vehicle position during one or several preceding driving evolutions of the motor vehicle. The detected velocity data themselves and/or the desired defining value data or defining limit value are stored in a retrievable manner. However, Hahn fails to teach or suggest any blocking or releasing of any operating state of the motor vehicle. As such, Hahn fails to teach or suggest that the decision unit is configured to block or release an

existing operating state of the operable device according to whether the actual driving situation is dangerous or non-dangerous based on a driving profile as recited in independent claim 26.

Accordingly, Applicants respectfully submit that the rejection of claim 26 is overcome.

**Claim Rejections - 35 USC §103**

Claims 9-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hahn in view of Lemelson et al. (U.S. Patent No. 6,553,130, hereinafter "Lemelson").

It is respectfully submitted that independent claims 9, 10 and 25 contain similar recitations to independent claim 26 with respect to the decision unit being configured to block or release an existing operating state of the operable device according to whether the actual driving situation is dangerous or non-dangerous based on a driving profile. As stated above, Hahn fails to teach or suggest that the decision unit is configured to block or release an existing operating state of the operable device according to whether the actual driving situation is dangerous or non-dangerous based on a driving profile as claimed in independent claims 9, 10 and 25. Furthermore, the Office Action concedes that Hahn fails to teach or suggest this feature. Accordingly, the Office Action cites Lemelson as disclosing such feature at col. 2, lines 24-67 and col. 3, lines 5-25. However, Applicants respectfully submit that the cited passages of Lemelson do meet the claimed feature.

In this regard, Lemelson discloses a system and method which assists a driver of a motor vehicle in preventing or minimizing the effects of accidents. For example, according to Lemelson, a television camera is mounted on a vehicle to scan the roadway to generate video signals that are analyzed by an image analyzing computer. Codes are generated to identify obstacles and a decision computer receives the codes along with signals from vehicle sensors to generate control signals. The driver may then receive warnings via synthetic speech or other special sounds regarding approaching and existing hazards. Control signals may be used, particularly through the application of fuzzy logic, to control operation of the brakes and steering mechanism of the vehicle to avoid or lessen the effects of a collision. In this regard, the decision computer may select the evasive action to be taken from a number of choices, dependent upon whether and where the decision device senses other vehicles or obstacles.

Accordingly, the disclosure of Lemelson provides for no more than a potential control over steering and brake functions of the motor vehicle. Application of steering and brake control does not constitute blocking or releasing an operating state. Thus, Lemelson fails to teach or suggest that the decision unit is configured to block or release an existing operating state of the operable device according to whether the actual driving situation is dangerous or non-dangerous based on a driving profile as claimed in independent claims 9, 10 and 25.

Since both Hahn and Lemelson alone fail to teach or suggest fails to teach or suggest that the decision unit is configured to block or release an existing operating state of the operable device according to whether the actual driving situation is dangerous or non-dangerous based on a driving profile as claimed in independent claims 9, 10 and 25, any combination of the cited references also fails to render independent claims 9, 10 and 25 obvious for at least the same reasons described above.

Claims 11-24 depend either directly or indirectly from either independent claim 9 or 10, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 11-24 are patentable for at least those reasons given above for independent claims 9 and 10.

Accordingly, Applicants respectfully submit that the rejections of claims 9-25 are overcome.

Appl. No.: 09/621,085  
Amdt. dated 04/20/2007  
Reply to Office action of 10/20/2006

### **CONCLUSION**

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson  
Registration No. 55,675

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE  
UNITED STATES PATENT & TRADEMARK OFFICE ON APRIL 20, 2007 by Gwen Frickhoeffer.

LEGAL02/30334008v1